

REMARKS

I. General

Claims 1-4, 6-34, 36-47 and 62-75 are pending in this application.

- Claims 1, 2, 6, 10, 33, 36, 38, and 42 are rejected under 35 U.S.C. § 102(e) as being unpatentable in view of United States Patent No. 5,802,177 to Daniel et al. (hereinafter “Daniel”).
- Claims 3 and 39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Daniel in view of U.S. Patent Publication 2002/0196749 A1 to Eyuboglu et al. (hereinafter “Eyuboglu”).
- Claims 4 and 40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Daniel in view of U.S. Patent Publication 2002/0174441 A1 to Marin et al. (hereinafter “Marin”).
- Claims 7, 8, 62, and 63 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Daniel in view of U.S. Patent 6,275,990 B1 to Dapper et al. (hereinafter “Dapper”).
- Claims 9, 14, 34, and 45 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Daniel in view of U.S. Patent 6,865,170 B1 to Zendle (hereinafter “Zendle”).
- Claims 11-13, 28-32, and 37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Daniel.
- Claims 15-20 and 47 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Daniel in view of U.S. Patent Publication 2002/0126704 A1 to Cam et al. (hereinafter “Cam”).

- Claim 21 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Daniel in view of Cam and further in view of U.S. Patent Publication 2003/0043738 A1 to Barsheshet (hereinafter “Barsheshet”).
- Claims 22, 43, and 44 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Daniel in view of U.S. Patent No. 6,704,579 to Woodhead et al (hereinafter “Woodhead”).
- Claims 23-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Daniel in view of Woodhead in further view of U.S. Patent Application Publication 2003/0161386 to Schilling (hereinafter “Schilling”).
- Claims 41 and 46 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Daniel in view of Barsheshet.

Claims 64-75 are newly added. Support for these new claims can be found at, e.g., the claims as originally filed. As such no new matter has been added. Applicant hereby traverses the rejections of record and requests reconsideration and withdrawal of such in view of the remarks contained herein.

II. Rejections Under 35 U.S.C. 102(e)

Claims 1, 2, 6, 10, 33, 36, 38, and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Daniel. It is well settled that to anticipate a claim, the reference must teach every element of the claim. *See* M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he elements must be arranged as required by the claim.” *See* M.P.E.P. § 2131; *citing In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Furthermore, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” *See* M.P.E.P. § 2131; *citing Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989).

Independent Claims 1 and 33

Independent claims 1 and 33, as amended, recite “a first broadband interface.” Although the Examiner does not expressly indicate where this limitation may be satisfied in the cited references, Applicant points out that the each of the cited references fail to satisfy the claims, as amended. For instance, Daniel’s disclosure is at odds with supporting a first broadband interface, as set forth claims. That is, Daniel describes that its ITS unit can support “at one time, either two autonomous POTS lines (two separate telephone numbers) or one ISDN BRA line.” *See* Daniel at col. 3 lines 56-60. Daniel goes on to say that its system could support more lines (i.e., three ISDN BRA lines or six POTS lines) by providing more hardware. As such, even according to Daniel’s own disclosure, it would have to be modified with additional hardware to support anything beyond two POTS lines. *Id.* Clearly, in view of the above, Daniel’s disclosure cannot satisfy, or reasonably be modified to satisfy, providing a broadband interface, as set forth in the claims. Moreover, each of the cited references fail to satisfy these claim limitations, nor are they relied upon to do so. For at least these reasons, Applicant requests withdrawal of the rejection of record.

Dependent Claims 2, 6, 10, 36, 38, and 42

Claims 2, 6, and 10 depend from claim 1, and claims 36, 38, and 42 depend from claim 33, respectively. Each dependent claim inherits every limitation of the claim from which it depends. As shown above, Daniel does not satisfy every limitation of claims 1 and 33. As such, claims 2, 6, 10, 36, 38, and 42 are patentable at least by virtue of their dependency on claims 1 and 33. Moreover, the dependent claims set forth additional limitations not taught by Daniel.

For example, claim 10 recites “wherein said second subscriber subsystem provides all analog processing of said subscriber data provided by said system.” In the Current Action the Examiner points to Daniel, at col. 4 lines 9-16 and Figure 1, as satisfying this limitation. *See* Current Action, pg. 4. However, according to Daniel, its outdoor unit (which the Examiner equates to the claimed second subscriber system) provides digital processing as well as analog

processing. As acknowledged by the Examiner, Daniel's outdoor subscriber unit includes a CDMA modem. As known in the art, a CDMA modem essentially converts a digital data stream to analog signals for transmission. As such, Daniel's outdoor unit provides digital processing but does not provide all analog processing of subscriber data, and therefore, does not align with the claimed invention; an embodiment of which is described at, e.g., paragraph [0028] of the specification (describing an embodiment where "IDU 201 includes OFDM modem 211, preferably including substantially only those circuit components of an OFDM modem utilized with respect to digital processing of signals."). Also, the Examiner's rejection of claim 10 is inconsistent with the Examiner's own rationale set forth in rejecting claim 33 (noting "Daniel further discloses providing a second signal processing subscriber subsystem...providing *analog and digital signal processing*....). *See Current Action*, pg. 4. For at least the reasons set forth above, Daniel does not satisfy every claim limitation. Therefore, Applicant requests withdrawal of the rejection of record.

II. Rejections Under 35 U.S.C. 103(a)

In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of establishing a *prima facie* case of obviousness. *In re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984). The Examiner can satisfy this burden by showing some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *KSR Int'l. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007) (citing *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006)). Only if this initial burden is met does the burden of coming forward with evidence or argument shift to the Applicant. *Piasecki*, 745 F.2d at 1472, 223 USPQ at 788. Thus, the Examiner must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the Examiner's conclusion. Moreover, to support an obviousness rejection, "[u]nder § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved." *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 15 - 17 (1966). As will be discussed, with regard to the rejections under 35 U.S.C. § 103(a), the

Examiner has failed to show that the pending claims are obvious under the framework set out in *Graham*. That is, the Examiner has failed to ascertain the differences between the cited references and the pending claims. Therefore, Applicant requests that such rejections be withdrawn.

A. Claims 3 and 39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Daniel in view of Eyuboglu.

Claim 3 depends from claim 1 and claim 39 depends from claim 33, respectively. As shown above, Daniel does not satisfy every limitation of claims 1 and 33. Moreover, Eyuboglu is not relied upon to satisfy the missing limitations, nor does it do so. As such, these claims set forth limitations not satisfied by the Examiner's proposed combination. Also, these claims set forth limitations making them patentable in their own right.

For example, claim 3 recites "wherein said general purpose protocol comprises Ethernet" and claim 39 recites "wherein an interface protocol utilized in coupling said first signal processing subscriber subsystem to said data communication backbone comprises Ethernet." The Examiner points to Eyuboglu, at paragraph [0005], as satisfying these limitations. *See* Current Action, pg. 6. However, at the Examiner's citation, Eyuboglu describes using Ethernet at the backhaul side of a network. Of course, the backhaul side of a network is not applicable to a subscriber subsystem located at a subscriber location, as set forth in the claims. Moreover, in the context of the Examiner's proposed combination, the backhaul side of the network would apply to Daniel's Wireless Line Transceiver (which the Examiner does not equate to Applicant's invention). Put simply, the Examiner's rationale applies to a different area of a wireless network than that set forth in the claims. For at least the reasons set forth above, the Examiner's proposed combination does not satisfy every claim limitation. Therefore, Applicant requests withdrawal of the rejection of record.

B. Claims 4 and 40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Daniel in view of Marin.

Claim 4 depends from claim 1, and claim 40 depends from claim 33, respectively. As shown above, Daniel does not satisfy every limitation of claims 1 and 33. Moreover, Marin is not relied upon to satisfy the missing limitations, nor does it do so. As such, these claims set forth limitations not satisfied by the Examiner's proposed combination. Also, these claims set forth limitations making them patentable in their own right.

For example, claim 4 recites "wherein said general purpose protocol comprises SONET" and claim 40 recites "wherein an interface protocol utilized in coupling said first signal processing subscriber subsystem to said data communication backbone comprises SONET." The Examiner points to Marin, at paragraph [0025], as satisfying these limitations. *See Current Action*, pg. 7. However, at the Examiner's citation, Marin describes using SONET at the backhaul side of a network. Of course, the backhaul side of a network is not applicable to a subscriber subsystem located at a subscriber location, as set forth in the claims. Moreover, in the context of the Examiner's proposed combination, the backhaul side of the network would apply to Daniel's Wireless Line Transceiver (which the Examiner does not equate to Applicant's invention). Put simply, the Examiner's rationale applies to a different area of a wireless network than that set forth in the claims. For at least the reasons set forth above, the Examiner's proposed combination does not satisfy every claim limitation. Therefore, Applicant requests withdrawal of the rejection of record.

C. Claims 7, 8, 62, and 63 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Daniel in view of Dapper.

Improper Combination

There is no motivation to combine references where that combination requires substantial reconstruction and redesign of the primary reference or the combination would change the principle of operation of the primary reference. *In re Ratti*, 270 F.2d 810, 123 USPQ 349

(CCPA 1959). In the case at hand, combining *Daniel* with *Dapper*, as proposed by the Examiner, would require substantial redesign and reconfiguration of *Daniel*. That is, *Dapper* teaches the use of allocation of radio resources in an Orthogonal Frequency Division Multiple Access (OFDMA) system, while *Daniel* local loop Code Division Multiple Access (CDMA) system. These two systems employ different technologies, and as such, are incompatible with each other without substantial modifications to the hardware, circuitry and software of the system. Importing OFDM hardware into the CDMA hardware of *Daniel* would be no simple task. By way of example, with CDMA a user shares an entire spectrum of a channel, and each user is assigned a code. With OFDM, each user uses only a subset of the spectrum, but uses that subset exclusively. As such, the circuitry involved with OFDM must perform different functions such as Inverse Fast Fourier Transforms (IFFT) or Fast Fourier Transforms (FFT). Moreover, the software codes and algorithms used in *Daniel*'s devices would also have to be changed. The algorithms and code in *Daniel* are currently written for CDMA. However, as known in the art, OFDM would require different algorithms and code. The codes and algorithms cannot be simply be substituted, since *Daniel* with *Dapper* would be required to handle both OFDM and CDMA. Thus, all the algorithms and codes for all the devices would need to be rewritten. From the above, it is clear that *Daniel* would have to be completely redesigned and reconfigured to be effectively combined with *Dapper*. Thus, there is no motivation to combine *Daniel* with *Dapper*.

Failure to Satisfy Every Claim Limitation

Claims 7, 8, 62, and 63 inherit every limitation of the claims from which they depend. As shown above, *Daniel* does not satisfy every limitation of independent claims 1 and 33. Moreover, *Dapper* is not relied upon to satisfy the missing limitations, nor does it do so. As such, these claims set forth limitations not satisfied by the Examiner's proposed combination. Also, these claims set forth limitations making them patentable in their own right.

For example, claim 7 recites "wherein said first subscriber subsystem comprises an OFDM digital modem." Claim 62 recites a similar limitation. The Examiner points to *Dapper* to

satisfy an OFDM modem. *See* Current Action, pg. 8. As an initial matter, Applicant points out that Daniel expressly discloses that its modem is in its outdoor unit, which the Examiner equates to the claimed “second subscriber subsystem.” *See* Daniel, Figure 1. However, the claims expressly set forth a modem in the “first subscriber subsystem,” which the Examiner equates to Daniel’s indoor unit. As such, even accepting the Examiner’s rationale, the proposed combination would not satisfy every claim limitation. That is, at best, the Examiner’s combination would result in a second subscriber system comprising an OFDM digital modem, which is at odds with a “first subscriber system comprises an OFDM digital modem,” as set forth in the claim. For at least these reasons, Applicant requests withdrawal of the rejection of record.

D. Claims 9, 14, 34, and 45 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Daniel in view of Zendle.

No Motivation to Modify Daniel in view of Zendle

There is no motivation to modify Daniel in view of Zendle, as suggested by the Examiner, because doing so would change the principle of operation of Daniel. If the “suggested combination of references would require a substantial reconstruction and redesign of the element shown in [the primary reference] as well as change the basic principle under with the [primary reference] construction was designed to operate,” there is no motivation to make such a modification. *In re Ratti*, 270 F.2d 810, 813 (CCPA 1959). In the case at hand, Daniel describes that the only connection between its ODU and IDU is a serial connection, with no indication of a fiber optic interface. Modifying Daniel to implement a fiber optic connection would require, in most cases, exchanging the IDU and ODU terminal electronics. In any case, doing so would require at least the addition of modular units to the existing equipment. Such an exchange or addition could not be achieved without considerable expense. The proposed modification to Daniel’s system would require reconfiguration, from the backhaul to the customer site, to account for newly formed bandwidth bottlenecks, and the like. In any case, manually testing the circuits at each customer location would be required to ensure proper functionality after the change. In view of the above, one of ordinary skill in the art would not be motivated to

implement the Examiner's proposed modification. Therefore, Applicant requests that the rejection be withdrawn.

Failure to Satisfy Every Claim Limitation

Claims 9, 14, 34, and 45 inherit every limitation of the claims from which they depend. As shown above, Daniel does not satisfy every limitation of independent claims 1 and 33. Moreover, Zendle is not relied upon to satisfy the missing limitations, nor does it do so. As such, these claims set forth limitations not satisfied by the Examiner's proposed combination. Also, these claims set forth limitations making them patentable in their own right.

For example, claim 45 recites "said another digital link comprises a fiber optic link." The Examiner point to Zendle, at col. 10 lines 10-41, as satisfying this limitation. *See Current Action, pg. 8.* However, Applicant points out that Zendle is wholly silent as to "another digital link" as set forth in the claim. Moreover, Daniel does not satisfy this limitation, nor is it relied upon to do so. For at least these reasons, Applicant requests withdrawal of the rejection of record.

E. Claims 11-13, 28-32, and 37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Daniel.

The Examiner has failed to establish a *prima facie* case of obviousness for each of these claims. The Examiner admits that Daniel does not satisfy the each limitation. However, in an attempt to satisfy every claim limitation, the Examiner merely opines that each limitation set forth in these claims "is old and well known in the art." *See, e.g., Current Action, pg. 9.* Applicant notes that the Examiner does no more than provide a general statement that the claims are obvious. That is, the Examiner has not provided an objective reason to combine the teachings of the references. *See M.P.E.P. 2143.01(IV).* In attempting to show the necessary motivation for the proposed combination, the Examiner merely states that it would have been obvious to combine modify Daniel to, e.g., " save time, resources and as a method of conserving bandwidth." *See id.* The proposed motivation put forth by the Examiner—i.e., saving time and

resources, is a merely general incentive, and not an objective reason to combine the references. Applicant points out that “[a] general incentive does not make obvious a particular result, nor does the existence of techniques by which those efforts can be carried out.” *In re Deuel*, 51 F.3d 1552, 1559 (Fed. Cir. 1995). Therefore, the motivation set forth to modify Daniel is improper. Accordingly, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 103(a) rejection of record with respect to claims 11-13, 28-32, and 37.

F. Claims 15-20 and 47 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Daniel in view of Cam.

Claims 15-20 depend from claim 1 and claim 47 depends from claim 33, respectively, and inherit every limitation therefrom. As shown above, Daniel does not satisfy every limitation of claim 1. Moreover, Cam is not relied upon to satisfy the missing limitations, nor does it do so. As such, these claims set forth limitations not satisfied by the Examiner’s proposed combination. Also, these claims set forth limitations making them patentable in their own right.

For example, claim 18 recites “wherein said synchronous overhead comprises timing bits.” The Examiner point to Cam, at paragraph [0016], as satisfying this limitation. *See Current Action*, pg. 12. However, at the Examiner’s citation, Cam merely describes a training patterns configurable upon system startup. However, there is no indication that Cam’s system, much less its training pattern, satisfies “timing bits” as set forth in the claims. Accordingly, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 103(a) rejection of record.

Claim 47 recites “communicating a synchronous signal via said digital link to enable media access control to be provided by said first signal processing subscriber subsystem with respect to a physical link utilized by said second signal processing subscriber subsystem.” The Examiner point to Cam, at paragraph [0016], as satisfying this limitation. *See Current Action*, pg. 12. However, at the Examiner’s citation, Cam merely describes a training patterns configurable upon system startup. However, there is no indication that Cam’s system, much less its training pattern, satisfies enabling media access control, as set forth in the claims.

Accordingly, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 103(a) rejection of record.

G. Claim 21 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Daniel in view of Cam and further in view of Barsheshet.

Claim 21 depends from claim 1 and inherits every limitation therefrom. As shown above, Daniel does not satisfy every limitation of claim 1. Moreover, Barsheshet and Cam are not relied upon to satisfy the missing limitations, nor do they do so. As such, this claim sets forth limitations not satisfied by the Examiner's proposed combination. Therefore, Applicant requests withdrawal of the rejection of record.

H. Claims 22, 43, and 44 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Daniel in view of Woodhead.

Claim 22 depends from claim 1 and claims 43 and 44 depends from claim 33, respectively, and inherit every limitation therefrom. As shown above, Daniel does not satisfy every limitation of claim 1. Moreover, Woodhead is not relied upon to satisfy the missing limitations, nor does it do so. As such, these claims set forth limitations not satisfied by the Examiner's proposed combination. Also, these claims set forth limitations making them patentable in their own right.

For example, claim 22 recites "a third subscriber data interface and a third digital interface." Claims 43 and 44 recite similar limitation. In the Current Action the Examiner points to Woodhead to satisfy these limitations. However, Applicant points out that Woodhead describes a base station (BS) having an indoor unit and outdoor unit. However, the claims expressly require subscriber subsystems located at subscriber locations. Likewise, the recited "third subscriber data interface and a third digital interface" cannot be satisfied by Woodhead's disclosure, which is directed towards a base station. In view of the Examiner's apparent interpretation of Woodhead, Applicant further notes that Woodhead's coverage area of a base station is understood by those of ordinary skill in the art as, for example, a "cell." Further, one

of ordinary skill in the art would understand that a cell is not the same as a subscriber location. A subscriber location may be at any number of locations within a cell. In any event, a base station is not required to be, and in all likelihood is not, at a subscriber location. *Also see* Woodhead at col. 6 lines 61-66 (describing that a cell is a coverage area that includes several CPE at *different* areas). According to the Examiner's rationale, a subscriber location could be construed as covering several square miles. This, of course, is nonsensical. Further, Applicant notes that Woodhead describes its base station as not being at a subscriber location. Indeed, Woodhead describes its base station as "centrally located *from* a plurality of customer sites." *See* Daniel at col. 5 lines 24-25. Further, Woodhead expressly refers to its subscribers as "residential or business customers," not base stations. *Id.* at col. 11 lines 30-40. In view of the above, Woodhead cannot be reasonably construed to satisfy "subscriber data interface and a third digital interface" as satisfied in the claims. Therefore, Applicant requests withdrawal of the rejection of record.

I. Claims 23-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Daniel in view of Woodhead in further view of Schilling.

Claims 23-27 depend from claim 1 and inherit every limitation therefrom. As shown above, Daniel does not satisfy every limitation of claim 1. Moreover, Schilling is not relied upon to satisfy the missing limitations, nor does it do so. As such, these claims set forth limitations not satisfied by the Examiner's proposed combination. Therefore, Applicant requests withdrawal of the rejection of record.

For example, claim 24 recites "wherein said third digital interface is also coupled to said first digital interface via a connection not made through said second digital interface." As best understood, the Examiner relies upon Woodhead to satisfy this limitation. *See* Current Action, pg. 15. However, for reasons similar to those set forth above with respect to claim 22, the Examiner's proposed combination is not sufficient under 35 U.S.C. 103. That is, Woodhead describes a base station (BS) having an indoor unit and outdoor unit. However, the claims expressly require subscriber subsystems located at subscriber locations. Likewise, the recited

“third subscriber data interface and a first digital interface” cannot be satisfied by Woodhead’s disclosure, which is directed towards a base station. In view of the above, Woodhead cannot be reasonably construed to satisfy “subscriber data interface and a third digital interface” as satisfied in the claims. Therefore, Applicant requests withdrawal of the rejection of record.

With respect to claims 26 and 27, the Examiner has failed to establish a *prima facie* case of obviousness for each of these claims. The Examiner admits that the combination of Daniel, Woodhead, and Shilling does not satisfy the each limitation. However, in an attempt to satisfy every claim limitation, the Examiner merely opines that each limitation set forth in these claims “is old and well known in the art.” *See, e.g.*, Current Action, pg. 15. Applicant notes that the Examiner does no more than provide a general statement that the claims are obvious. That is, the Examiner has not provided an objective reason to combine the teachings of the references. *See* M.P.E.P. 2143.01(IV). In attempting to show the necessary motivation for the proposed combination, the Examiner merely states that it would have been obvious to the combine Daniel, Woodhead, and Shilling to, *e.g.*, “save time, resources and as a method of conserving bandwidth.” *See id.* The proposed motivation put forth by the Examiner—*i.e.*, saving time and resources, is a merely general incentive, and not an objective reason to combine the references. Applicant points out that “[a] general incentive does not make obvious a particular result, nor does the existence of techniques by which those efforts can be carried out.” *In re Deuel*, 51 F.3d 1552, 1559 (Fed. Cir. 1995). Therefore, the motivation set forth to combine Daniel, Woodhead, and Shilling is improper. Accordingly, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 103(a) rejection of record with respect to claims 26 and 27.

J. Claims 41 and 46 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Daniel in view of Barsheshet.

Claims 41 and 46 are depend from claim 33 and inherit every limitation therefrom. As shown above, Daniel does not satisfy every limitation of claim 33. Moreover, Barsheshet is not relied upon to satisfy the missing limitations, nor does it do so. As such, these claims set forth

limitations not satisfied by the Examiner's proposed combination. Therefore, Applicant requests withdrawal of the rejection of record.

III. Conclusion

Fees in the amount of \$245 for a two-month extension of time are being paid on-line by credit card. Please charge any additional fees required or credit any overpayment to Deposit Account No. 06-2380 under Order No. 68144/P007US/10501224 during the pendency of this Application pursuant to 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

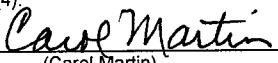
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Amendment in Response to Non-Final Office Action

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: 11/24/2008 Signature: 
(Carol Martin)